THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3788 of 2005

08.11.2006

Between:

M.Rajeswari, W/o.M.Peddanagi Reddy

... Petitioner

AND

The Collector and District Magistrate, Kurnool
And another

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3788 of 2005

ORDER:

The petitioner is statedly purchased the house bearing No.4-149/68 in survey No.523/A2/A1 situated at Dhone Village and Mandal in Kurnool District from one Sharadamma, W/o.Kummari Sunkanna. The petitioner presented the sale deed before the second respondent for registration. The second respondent refused to receive the document on the ground that the first respondent instructed not to register any land in respect of survey No.523/A2/A1, as it is wakf property. Alleging that the action of the respondents in not registering the sale deed as illegal and arbitrary, the present writ petition is filed.

Heard learned Counsel for the petitioner and learned Assistant Government Pleader for Revenue (General-A). It is no doubt true that when a document is presented, it is incumbent on the part of the Registering Officer, to examine the same with reference to Sections 31 and 36 of the Registration Act, 1908 (the Act, for brevity) and/or Rules 26 and 58 of the Andhra Pradesh Rules under the Act. This aspect of the matter was considered by my learned brother Hon'ble Sri Justice A.Gopal Reddy in W.P.No.15199 of 2004 dated 01.9.2004.

Following the above, this writ petition is disposed of directing the second respondent or any other Registering Officer, that the document presented by the petitioner may be considered for registration. Be it noted, if for any reason, the document presented is not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Act. If the petitioner is aggrieved by the order of the Registering Authority, it shall be open to her to file appeal under Section 72 of the Act before the District Registrar. If the Appellate Authority declines to give direction to the Registering Authority, the aggrieved person has to file a suit under Section 77 of

the Act.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO,J**)

November 08, 2006.

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